

Amendment Under 37 C.F.R. § 1.116
USSN 09/736,158

REMARKS

Claims 1-6 remain in the application, the claims having been amended to more clearly define the invention. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

Applicants note with appreciation the indication of allowable subject matter in claims 2 and 4. Claims 2 and 4 have now been amended to independent form, and allowance is respectfully requested.

Claim 6 has been amended to address the editorial issue noted by the examiner in paragraph 6 of the Office action.

The rejection of claims 1, 3, 5 and 6 is respectfully traversed.

Claim 5 describes the sending of flow control, security and message scheduling data, and the examiner has alleged this is taught by the connect, signaling messages and setup and release signals in Fig. 2 of Chitre. However, the "connect" signal in Fig. 2 of Chitre is not something that one of ordinary skill in the art would refer to as "flow control" data. See, for example, any one of Re38,309, Re37,652 or Re32,327 which consistently use the term "flow control" data or "flow control" messages to refer to data such as XON/XOFF signaling or ACK/NAK signaling or flow control bits that control the flow rate of data once the connection has been established, as opposed to signals that are sent at the outset to establish the connection. "Flow control" is a well-understood term in the art and does not apply to the initial establishment of a connection.

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It is also submitted that the setup and release signals are not properly considered message scheduling data. These signals simply operate in the establishment of a connection, but pay no role in scheduling when that will occur.

Finally, there are no "signaling" messages in Fig. 2 of Chitre which might even arguably correspond to the claimed "security data".

For these reasons, it is submitted that the subject matter of claim 5 is neither shown nor suggested by Chitre, and allowance of claim 5 is respectfully requested.

With respect to the remaining claims 1, 3 and 6, claim 1 has been amended to reflect some of the subject matter recited in allowable claim 2, i.e., the addition of order information to the packets or blocks, as discussed in detail at page 6 of the specification. One of the problems in sending signaling information over links that utilize discrete data packets is that there is a danger of losing packets or receiving them out of order. To address this, the present invention adds packet order information to the signaling packets. This is reflected in some of the language found in claim 2, and is recited now again in claim 1. This subject matter is not disclosed in the applied art.

The rewriting of claims 2, 4 and 5 in independent form raises no new issues. The amendment to claim 6 reflects an aspect of the invention which the examiner will have already considered in view of the language in claim 2. Accordingly, entry of the amendment is respectfully requested.

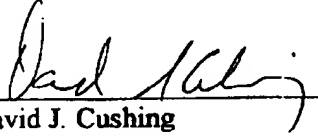
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

CUSTOMER NUMBER

Date: April 20, 2005